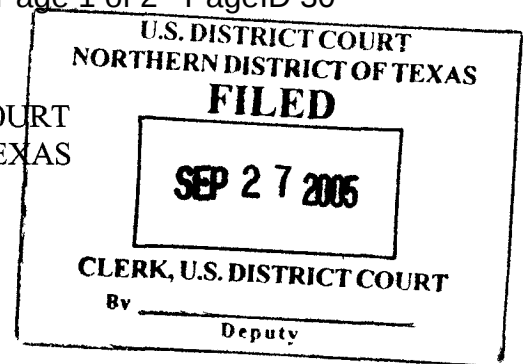


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



SYDNEY F. POWERS, III,

Plaintiff,

v.

JO ANNE BARNHART,  
Commissioner of Social Security,

Defendant.

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2:02-CV-0221

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**REVERSING THE DECISION OF THE COMMISSIONER,**  
**and REMANDING FOR FURTHER PROCEEDINGS**

Came this day for consideration plaintiff SYDNEY F. POWERS, III's appeal of the decision of the Commissioner of Social Security denying plaintiff disability benefits. The United States Magistrate Judge entered a Report and Recommendation on September 12, 2005, recommending therein that the decision of the Commissioner be reversed and the case remanded to the Commissioner for further proceedings. On September 22, 2005, defendant filed a response to the Report and Recommendation, stating therein that she does not object to the decision made in the Report and Recommendation. No objections have been filed by plaintiff.

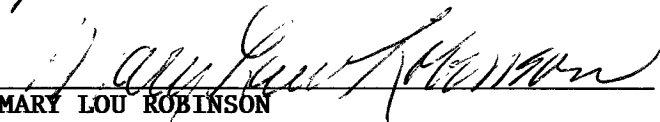
The undersigned United States District Judge has made an independent examination of the record in this case. The Report and Recommendation of the United States Magistrate Judge is hereby ADOPTED. Accordingly, the Commissioner's administrative decision finding plaintiff not disabled and not entitled to benefits is REVERSED, and the decision is REMANDED to the

defendant Commissioner for further administrative proceedings consistent with the Report and Recommendation of the Magistrate Judge, including but not limited to all action specified and recommended to be taken on remand.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

ENTERED this 27<sup>th</sup> day of September 2005.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE